

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
VINCENT J. DEMAILLE,

Plaintiff,

-against-

ORDER
CV 06-6196 (JS)(ARL)

NASSAU COUNTY, EDWARD RIELLY,
SHERIFF OF NASSAU COUNTY
CORRECTIONAL CENTER, NASSAU HEALTH
CARE CORPORATION, and DR. KANTH,

Defendant.

-----X
LINDSAY, Magistrate Judge:

Before the court is the plaintiff's letter application dated April 7, 2009, seeking permission to depose Stylianos Sikalas at his home. By order dated March 23, 2009 order, the court gave the plaintiff permission to prepare written deposition questions for Mr. Sikalas or to take his deposition by telephone. The court further directed the plaintiff to either send the written questions to counsel for the defendants who would then forward the questions to the deponent or to indicate that he wished to proceed with a telephone deposition, in which case counsel for the defendants would arrange for the telephone deposition.

According to the plaintiff, after the issuance of the order, Mr. Sikalas advised the plaintiff that he would be willing to provide testimony about the issues in the case. Given Mr. Sikalas' willingness to appear for a deposition and the fact that he is no longer in jail, the court will permit the plaintiff to take Mr. Sikalas' deposition in person. The plaintiff shall prepare a subpoena for Mr. Sikalas' deposition and submit it to the court to be so ordered. Upon receipt of the so ordered subpoena, the plaintiff is directed to serve the subpoena on Mr. Sikalas. The deposition may not take place in the plaintiff's home. The plaintiff may make arrangements to have the deposition

taken in the courthouse by contacting Jean Bollbach at (631) 712-6047.

Dated: Central Islip, New York
April 13, 2009

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge